
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

MARIE DAVIS,

Plaintiff,

v.

MAGNA UNIFIED POLICE
DEPARTMENT,

Defendant.

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

Case No. 2:21-cv-00262-JNP-CMR

District Judge Jill N. Parrish

Plaintiff Marie Davis (“Plaintiff”), proceeding pro se, sued the Magna Unified Police Department (“Defendant”). On April 30, 2021, Magistrate Judge Cecilia M. Romero granted Plaintiff’s petition to proceed *in forma pauperis* and ordered Plaintiff to file an amended complaint to address identified deficiencies by May 14, 2021. ECF No. 3. Plaintiff was warned that a failure to file an amended complaint would result in a recommendation that this case be dismissed. *Id.* On May 18, 2021, Plaintiff had not filed an amended complaint, and Magistrate Judge Romero ordered Plaintiff to show cause in writing by June 1, 2021 as to why this case should not be dismissed for failure to prosecute. ECF No. 8. Plaintiff was warned that a failure to inform the court of the status of the case and her intent to proceed would result in a recommendation that the case be dismissed. *Id.* To date, Plaintiff has neither filed an amended complaint nor responded to the order to show cause. Accordingly, Magistrate Judge Romero issued a Report and Recommendation on June 11, 2021 that this action be dismissed without prejudice for failure to comply with the court’s previous orders and failure to prosecute. ECF No. 10. Magistrate Judge Romero notified Plaintiff that a

failure to file a timely objection to the Report and Recommendation could waive any objections to it. Plaintiff did not file an objection within the allotted time.

Because Plaintiff did not object to the Report and Recommendation, she waived any argument that it was in error. *See United States v. One Parcel of Real Prop.*, 73 F.3d 1057, 1060 (10th Cir. 1996). The court will decline to apply the waiver rule only if “the interests of justice so dictate.” *Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991). The court has reviewed the Report and Recommendation and concludes it is not clearly erroneous. Thus, the court finds that the interests of justice do not warrant deviation from the waiver rule.

Accordingly, the court ORDERS as follows:

1. The Report and Recommendation (ECF No. 10) is ADOPTED IN FULL.
2. This action is DISMISSED WITHOUT PREJUDICE.

Signed July 8, 2021

BY THE COURT



Jill N. Parrish
United States District Court Judge